

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.
: FILIPPO BERNARDINI,

: Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/23/2023

ORDER OF JUDICIAL REMOVAL

Criminal Docket No. S1 21 Cr. 458 (CM)

Upon the application of the United States of America, by Daniel G. Nessim, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of FILIPPO BERNARDINI (the "defendant"); and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of Italy, and resident of the United Kingdom.
3. On or about January 5, 2022, the defendant was paroled into the United States at or near John F. Kennedy Airport for the purpose of criminal prosecution, pursuant to Section 212(d)(5) of the Immigration and Nationality Act of 1952, as amended, ("the Act").
4. At the time of sentencing in the instant criminal proceeding, the defendant was convicted in the United States District Court, Southern District of New York, of the following offense: wire fraud, in violation of Title 18 United States Code, Section 1343.
5. The above-mentioned offense carries a maximum term of 20 years' imprisonment.

6. The defendant is subject to removal from the United States pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act of 1952 ("INA"), as amended, 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an alien who, at the time of application for admission, was not in possession of a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by the INA; and Section 212(a)(2)(A)(i)(I) of the INA, 8 U.S.C. § 1182(a)(2)(A)(i)(I), as an alien who has been convicted of a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime.

7. The defendant has waived his right to notice and a hearing under Section 238(c) of the Act, 8 U.S.C. § 1228(c).

8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

9. The defendant has designated United Kingdom, or Italy in the alternative, as the country for removal pursuant to Section 240(d) of the Act, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the Act, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to the United Kingdom, or Italy in the alternative.

Dated: New York, New York
March 23, 2023

1:10pm



THE HONORABLE COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE